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7

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013 - 712

13 **LEONTINE MARIA SHOCKLEY,**
14 **aka LEONTINE MARIA DEAN,**
15 **aka LEONTINE MARIA DEARDOFF**
545 Montevista Drive
Santa Paula, CA 93060

A C C U S A T I O N

16 Registered Nurse License No. 487571
Public Health Nurse Certificate No. 61819

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs (Board).

23 **License Histories**

24 **Registered Nurse License**

25 2. On or about March 31, 1993, the Board issued Registered Nurse License No. 487571
26 to Leontine Maria Shockley, aka Leontine Maria Dean, aka Leontine Maria Deardoff
27 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
28 the charges brought herein and will expire on September 30, 2014, unless renewed.

1 Health Nurse Certificate

2 3. On or about February 18, 2000, the Board issued Public Health Nurse Certificate
3 No. 61819 to Leontine Maria Shockley, aka Leontine Maria Dean, aka Leontine Maria Deardoff
4 (Respondent). The Health Nurse Certificate was in full force and effect at all times relevant to
5 the charges brought herein and will expire on September 30, 2014, unless renewed.

6 **JURISDICTION**

7 4. This Accusation is brought before the Board under the authority of the following
8 laws. All section references are to the Business and Professions Code unless otherwise indicated.

9 5. Section 118, subdivision (b), provides that the suspension, expiration, surrender or
10 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
11 action during the period within which the license may be renewed, restored, reissued or
12 reinstated.

13 6. Section 2750 provides that the Board may discipline any licensee, including a
14 licensee holding a temporary or an inactive license, for any reason provided in Article 3
15 (commencing with section 2750) of the Nursing Practice Act.

16 **STATUTORY PROVISIONS**

17 7. Section 490 provides that a board may suspend or revoke a license on the ground that
18 the licensee has been convicted of a crime substantially related to the qualifications, functions, or
19 duties of the business or profession for which the license was issued.

20 8. Section 2761 states, in pertinent part:

21 "The board may take disciplinary action against a certified or licensed nurse or deny an
22 application for a certificate or license for any of the following:

23 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

24

25 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
26 violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice
27 Act] or regulations adopted pursuant to it.

28

1 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
2 functions, and duties of a registered nurse, in which event the record of the conviction shall be
3 conclusive evidence thereof. . . ."

4 9. Section 2762 states, in pertinent part:

5 "In addition to other acts constituting unprofessional conduct within the meaning of this
6 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
7 chapter to do any of the following:

8

9 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
10 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
11 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
12 himself or herself, any other person, or the public or to the extent that such use impairs his or her
13 ability to conduct with safety to the public the practice authorized by his or her license.

14 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
15 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
16 or the possession of, or falsification of a record pertaining to, the substances described in
17 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
18 thereof. . . ."

19 10. Section 2764 provides that the expiration of a license shall not deprive the Board of
20 jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision
21 imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an
22 expired license at any time within eight (8) years after the expiration.

23 REGULATORY PROVISION

24 11. California Code of Regulations, title 16, section 1444 states:

25 "A conviction or act shall be considered to be substantially related to the qualifications,
26 functions or duties of a registered nurse if to a substantial degree it evidences the present or
27 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
28 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

“(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160. . . .”

COST RECOVERY

12. Section 125.3 provides that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FIRST CAUSE FOR DISCIPLINE

(Convictions of Substantially Related Crimes)

13. Respondent is subject to disciplinary action under sections 490 and 2761, subdivision (f), in conjunction with California Code of Regulations, title 16, section 1444, in that Respondent was convicted of crimes substantially related to the qualifications, functions or duties of a registered nurse which to a substantial degree evidences her present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare, as follows:

a. On or about May 14, 2012, after pleading guilty and admitting to sustaining a prior driving while under the influence conviction, Respondent was convicted of one misdemeanor count of violating Vehicle Code section 23152(a) [drive while under the influence of alcohol/drugs] in the criminal proceeding entitled *The People of the State of California v. Leontine Maria Shockley* (Super. Ct. Ventura County, 2011, No. 2011045944MA). The Court sentenced Respondent to 30 days jail, placed her on 60 months probation, ordered her to complete a Multiple Conviction Drinking Driver Program, and ordered her not to drive a vehicle without the installation of an ignition interlock device.

b. The circumstances underlying the conviction are that on or about December 31, 2011, admittedly, Respondent drove a vehicle while under the influence of alcohol, testing at 0.15/0.15% blood alcohol content (BAC). Respondent informed officers that she had been

1 drinking prior to going out and further drinking with her passenger husband at Garmen's Pub.
2 Respondent was arrested.

3 c. On or about December 22, 2006, after pleading guilty and admitting that her BAC
4 was over 0.15%, Respondent was convicted of one misdemeanor count of violating Vehicle
5 Code 23152(a) [drive while under the influence of alcohol/drugs] in the criminal proceeding
6 entitled *The People of the State of California v. Leontine Maria Shockley* (Super. Ct. Ventura
7 County, 2006, No. 2006044314MA). The Court sentenced Respondent to 48 hours jail, placed
8 her on 36 months probation, and ordered her to complete a Nine-Month First-Offender Drinking
9 Driver Program.

10 d. The circumstances underlying the conviction are that on or about November 23, 2006,
11 admittedly, Respondent drove a vehicle while under the influence of alcohol, testing
12 at 0.19/0.19% BAC. Respondent informed officers that she was more sober than her passenger.
13 Respondent was arrested.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Alcohol Related Convictions)**

16 14. Respondent is subject to disciplinary action under sections 2761, subdivision (a),
17 and 2762, subdivision (c), on the grounds of unprofessional conduct, in that on or about May 14,
18 2012, and December 22, 2006, Respondent was convicted of crimes involving alcoholic
19 beverages. Complainant refers to and by this reference incorporates the allegations set forth
20 above in paragraph 13, subparagraphs a - d, inclusive, as though set forth fully.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Dangerous Use of Alcohol)**

23 15. Respondent is subject to disciplinary action under sections 2761, subdivision (a),
24 and 2762, subdivision (b), on the grounds of unprofessional conduct, in that on or about
25 December 31, 2011, and November 23, 2006, Respondent used alcoholic beverages to an extent
26 or in a manner dangerous or injurious to herself or others. Complainant refers to and by this
27 reference incorporates the allegations set forth above in paragraphs 13 - 14, inclusive, as though
28 set forth fully.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct / Violate Nursing Practice Act)**

3 16. Respondent is subject to disciplinary action under section 2761, subdivisions (a) and /
4 or (d), in that Respondent committed acts of unprofessional conduct and / or acts violating the
5 Nursing Practice Act. Complainant refers to and by this reference incorporates the allegations set
6 forth above in paragraphs 13 - 15, inclusive, as though set forth fully.

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board issue a decision:

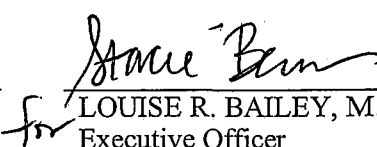
10 1. Revoking or suspending Registered Nurse License No. 487571, issued to Leontine
11 Maria Shockley, aka Leontine Maria Dean, aka Leontine Maria Deardoff;

12 2. Revoking or suspending Public Health Nurse Certificate No. 61819, issued to
13 Leontine Maria Shockley, aka Leontine Maria Dean, aka Leontine Maria Deardoff;

14 3. Ordering Leontine Maria Shockley to pay the Board the reasonable costs of the
15 investigation and enforcement of this case, pursuant to Code section 125.3; and

16 4. Taking such other and further action as deemed necessary and proper.
17
18

19 DATED: MARCH 4, 2013

20 
21 LOUISE R. BAILEY, M.ED., RN
22 Executive Officer
23 Board of Registered Nursing
24 Department of Consumer Affairs
25 State of California
26 Complainant

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